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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 STATE OF WASHINGTON,
15 Defendant.

CASE NO. C70-9213

Subproceeding No. 17-3

STIPULATED MOTION AND ORDER
RE: BRIEFING ON MOTIONS TO
DISMISS

16 **STIPULATION**

17 The undersigned parties stipulate as follows and jointly move for the relief set out
18 below.

19 1. In this action, the Stillaguamish Tribe seeks to establish marine water usual and
20 accustomed fishing areas, as described in the Request for Determination (Dkt. # 21580 / # 1).

21 2. On July 20, 2018, the Court entered an Order (1) Staying Case Deadlines and (2)
22 Setting Briefing Schedule on Motion to Dismiss. *See* Dkt. # 21805 / # 53. That Order provides
23 that “[a]ll parties shall confer no later than September 11, 2018[,] on the number and page
24 limits for briefs and shall present a motion to the Court for consideration on or before
25 September 13, 2018[,] regarding same.” Order at ¶ 4(e).

26 3. The parties who requested the July 20 order have conferred. Swinomish Indian

1 Tribal Community (“Swinomish”), the Upper Skagit Indian Tribe (“Upper Skagit”), and the
2 Tulalip Tribes (“Tulalip”) anticipate that each of them may file a separate motion but will
3 endeavor to (1) avoid duplication and (2) join in each other’s arguments by reference rather
4 than re-argument as much as possible. The parties do not know whether any interested party
5 will file a joinder.

6 4. The parties agree that the Court should order the following:

- 7 a. Motions. Motions shall be filed and served not later than October 5,
8 2018, and shall not exceed twenty-four (24) pages each. Swinomish,
9 Upper Skagit, and Tulalip shall make reasonable efforts to avoid
10 repetitive briefing and to minimize the total number of pages filed.
- 11 b. Joinders. Any joinder or brief in support of one or more motions shall be
12 filed and served not later than October 17, 2018, shall not exceed five
13 pages, and shall not repeat arguments made in any motion.
- 14 c. Responsive briefs. Responsive materials in opposition to the motions
15 and joinders shall be filed on or before November 14, 2018. Whether
16 filed as one brief or multiple briefs, the total number of pages filed in
17 response by any one party shall not exceed the total number of pages in
18 the motions and joinders that the party is responding to.
- 19 d. Reply briefs. Reply briefs shall be filed and served not later than
20 November 30, 2018, and shall not exceed twelve pages each.
21 Swinomish, Upper Skagit, and Tulalip shall make reasonable efforts to
22 avoid repetitive briefing and to minimize the total number of pages filed.

23 5. The undersigned parties stipulate to entry of the order below.
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DATED this 11th day of September, 2018.

STILLAGUAMISH TRIBE OF INDIANS

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COMMUNITY**

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27 **ORDER**

28 IT IS SO ORDERED this 13th day of September 2018.

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30 RICARDO S. MARTINEZ
31 CHIEF UNITED STATES DISTRICT JUDGE